

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2743 of 1987

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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BAGADA LALJI PETHABHAI

Versus

STATE OF GUJARAT

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Appearance:

MS PANCHAL for MR ND NANAVATI for Petitioner  
MR LR PUJARI AGP for Respondent No. 1  
NOTICE SERVED for Respondent No. 3  
RULE SERVED for Respondent No. 4

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 10/11/2000

ORAL JUDGEMENT

The petitioner before this court is a seasonal  
peon appointed in the office of the District Inspector of  
Land Records, Junagadh-respondent no.2. He was appointed  
for 8 months during the dry season and his service was  
terminated during the months of Monsoon. Feeling  
aggrieved, he has preferred the present petition.

The petition was admitted to final hearing on  
17th November, 1988, and was directed to be heard along  
with Special Civil Application No. 2603/82. The Special

Civil Application No. 2603/82 was preferred by one Pravinchandra Dayashankar and others who were similarly appointed in the office of the respondent no.2. The said writ petition involved similar facts and identical questions of law. The said writ petition has been decided by the Division Bench of this court (Coram : R.K.Abichandani & D.H.Waghela JJ, on 7th March, 2000). The petition has been dismissed. The court has held that " We have no doubt that course of absorbing eight monthly peons in all vacant post of full time peons in all Districts which was promised in the affidavit in reply must have benefited all the petitioners by now. However, the petitioners could not have claimed such absorption as a matter of right. The petition is therefore rejected. Rule is discharged with no order as to costs. Interim relief stands vacated ".

Since the matters at issue in this petition are decided by the Division Bench as aforesaid, I need not dwell upon them. For the reasons recorded in the aforesaid judgment dated 7th March, 2000, the petition is dismissed. Rule is discharged. Interim relief is vacated. The parties shall bear their own costs. A copy of the said judgment dated 7th March, 2000, shall be kept on the records of the present petition also.

( MS R.M.DOSHIT J )

JOSHI